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8 Attorneys for United States of America

9 UNITED STATES DISTRICT COURT

10 NORTHERN DISTRICT OF CALIFORNIA

11 SAN FRANCISCO DIVISION

12
13 UNITED STATES OF AMERICA,
14 Plaintiff,
15 v.
16 GUILLERMO HERNANDEZ-ESCOBAR,
17 Defendant.

) CASE NO. CR-20-00059 MMC
) UNITED STATES' SENTENCING
) MEMORANDUM AS TO DEFENDANT
) GUILLERMO HERNANDEZ-ESCOBAR RE
) SUPERVISED RELEASE VIOLATIONS
)
) Date: March 11, 2022
) Time: 2:00 p.m.
)

19
20 Last June, while on federal supervised release, defendant Guillermo Hernandez-Escobar was
21 arrested by law enforcement in connection with a residential state search warrant executed in Oakland,
22 and he was found to be in possession of cocaine base (22.8 grams gross) and powder (1.7 grams gross),
23 methamphetamine (18.5 grams gross), fentanyl (9.7 grams gross), and heroin (4.8 grams gross), as well
24 as a large sum of money. On or about June 7, 2021, he was arrested pursuant to a federal arrest warrant
25 with violating various conditions of his supervised release, conditions that stem from a previous
26 conviction of Title 21, United States Code, Section 841(a)(1) and (b)(1)(C). *See* ECF No. 39
27 (Judgment). The defendant has admitted to violating the conditions of his release (*see* ECF No. 67), and

1 United States Probation is recommending that Mr. Hernandez-Escobar be sentenced to 12 months in
 2 custody to be followed by 24 months of supervised release. *See* ECF No. 68 (Violation Memorandum).
 3 The government agrees with this recommendation.

4 Background. As the Court may recall, Mr. Hernandez-Escobar was arrested on December 27,
 5 2019 following the execution of a search warrant executed by local law enforcement that revealed
 6 narcotics on his person.¹ Prior to obtaining and executing the search warrant, Officer Christina Hayes of
 7 the SFPD conducted robust and lengthy physical surveillance of the defendant, which surveillance
 8 revealed evidence that the defendant was commuting to San Francisco from Oakland to sell controlled
 9 substances in and around the Tenderloin neighborhood. On February 11, 2020, a federal grand jury
 10 indicted the defendant on one count of distribution of cocaine base. Following the indictment, the
 11 defendant was arrested and taken into federal custody on February 18, 2020. The defendant ultimately
 12 pleaded guilty (*see* ECF 35 (Plea Agreement)), and the Court sentenced him to six months in custody
 13 and three years of supervised release. *See* ECF No. 39 (Judgment). On August 31, 2020, the defendant
 14 was released from custody. (The government agrees that the defendant over-served his sentence by 14
 15 days, and the government understands from U.S. Probation that he will be credited with this time in
 16 connection with any sentence the Court imposes in connection with the instant violations.)

17 Current Violations. Less than a year after his release from custody, the defendant was again
 18 arrested and found to be in possession of multiple controlled substances.² Given the nature of the
 19 defendant's repeated drug-related criminal conduct, the need for deterrence, and the need to protect the
 20 public, the government submits that the 12-month sentence recommended by U.S. Probation is a
 21 reasonable sentence for the admitted violations. The defendant's prior arrests and encounters with the
 22 judicial system have thus far done nothing to alter his behavior—a sentence of 12 months therefore is
 23
 24

25 ¹ Mr. Hernandez-Escobar was in possession of these drugs notwithstanding drug charges pending
 26 against him in state court. *See* ECF No. 32 (U.S. Sentencing Memorandum).

27 ² During the search of the Oakland residence, Mr. Hernandez-Escobar admitted that he lived in
 28 what had been designated by the officers as "Room Z." Because officers had discovered drugs in Room
 Z, including 215 grams gross of methamphetamine, they placed Hernandez-Escobar under arrest and
 then discovered additional drugs on his person.

1 reasonable and necessary to deter the defendant from continuing to deal dangerous drugs, and to impress
2 upon him the need to comply with the conditions of his supervision in the event that he is not deported.

3 The government and U.S. Probation remain aligned in wanting Mr. Hernandez-Escobar to
4 succeed on supervision and thereafter and to lead a law-abiding life, but the government and U.S.
5 Probation also are aligned in recommending a new term of imprisonment to respond to Mr. Hernandez-
6 Escobar's new offense and his breaches of the Court's trust while on supervision. The government
7 therefore respectfully requests that this Court adopt U.S. Probation's sentencing recommendation.

8 DATED: March 10, 2022

Respectfully submitted,

9 STEPHANIE M. HINDS
10 United States Attorney

11 /s/ Marja-Liisa Overbeck
12 MARJA-LIISA OVERBECK
13 Assistant United States Attorney